



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 01992-00
16 August 2000

LT [REDACTED] SNR
[REDACTED]

Dear Lieutenant [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 25 April and 26 May 2000, copies of which are attached. The Board also considered your letter dated 12 July 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 25 April 2000 in finding the contested punitive letter of reprimand should stand. They found your subsequent performance and the age of the reprimand did not justify removing it from your record. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

1992-00



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1611
Ser 834C/566
25 Apr 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: [REDACTED]

Ref: (a) BCNR memo 5420 Pers-00ZCB of 17 Apr 00
(b) MILPERSMAN 1070-170
(c) MILPERSMAN 1070-020

Encl: (1) BCNR file 01992-00

1. Reference (a) requested comments and recommendations concerning the removal of a punitive letter of reprimand and references of [REDACTED] failure of selection (FOS). Enclosure (1) is returned as a matter under the purview of BCNR.

2. LT [REDACTED] was found guilty and received NJP by President, Naval Postgraduate School for conduct unbecoming an officer and a gentleman. Accordingly, the report of nonjudicial punishment and the punitive letter of reprimand were placed in [REDACTED] permanent personnel record in accordance with reference (b). As this action is consistent with applicable directives and the handling of similar cases, do not recommend removal of the matter from his record in accordance with reference (c).

[REDACTED]
Commander, U.S. Naval Reserve
Director, Personnel Performance &
Security Division (PERS-83)



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420

PERS-86

26 MAY 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LT [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 01992-00 w/Service record
(2) Personnel Performance and Security Division memo 1611
Ser 834C/566 of 25 Apr 00

1. We are returning enclosure (1) with the following observations and recommendation that [REDACTED] petition be denied.
2. Lieutenant [REDACTED] requests the removal of the August 1994 Punitive Letter of Reprimand and twice passed over status to O-4. The basis for his request is that the letter is unjust and it continues to punish. He points out that his record is not in error.
3. Lieutenant [REDACTED] was properly considered by the FY-99 and the FY-00 Naval Reserve Lieutenant Commander Line Promotion Boards. He was not selected for promotion by either of these boards.
4. A review of his record on EMPRS does not show any indication that Lieutenant [REDACTED] appealed the NJP of August 1994. The Commanding Officer of the Naval Postgraduate School in accordance with MILPERSMAN 3410100 in letter informed Lieutenant [REDACTED] that the NJP containing adverse material would be entered into his official record with the opportunity to make comments. Lieutenant [REDACTED] chose not to respond in the allotted time. Enclosure (2) concurred that the NJP not be removed. Lieutenant [REDACTED] record was viewed in accordance with the Precepts governing each of the boards requiring eligible records be given equal consideration before the board.
5. Specific reasons for Lieutenant [REDACTED] failure to promote are not available since proceedings of selection boards are sensitive in nature and records of deliberations are not kept. It is our opinion that Lieutenant [REDACTED] record was viewed in its entirety, and was not considered competitive enough, when considered within the numerical constraints placed on the board.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LT [REDACTED], USNR [REDACTED]

6. Lieutenant [REDACTED] service to his country is laudable and he can be justifiably proud of his contribution; the negative response to this request does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]
[REDACTED]
[REDACTED]
Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division